

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

ROBERT DREW,

Petitioner,

v.

B.M. TRATE, Warden,

Respondent.

Case No. 1:23-cv-0194 JLT SKO (HC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(Doc. 12)

ORDER GRANTING RESPONDENT'S  
MOTION TO DISMISS (Doc. 7) AND  
TRANSFERRING ACTION TO UNITED  
STATES DISTRICT COURT FOR WESTERN  
DISTRICT OF TENNESSEE

The assigned magistrate judge issued Findings and Recommendations to grant Respondent's motion to dismiss and transfer the action to the United States District Court for the Western District of Tennessee. (Docs. 7, 12.) The Court served the Findings and Recommendations on all parties, and it notified them that any objections were to be filed within 21 days of service. In response, Petitioner filed a pleading entitled "Informative Motion" stating he had not received Respondent's motion to dismiss. (Doc. 13.) The Court then directed the Clerk of Court to provide Petitioner with a copy of the motion to dismiss and granted Petitioner an additional 30 days to file objections, incorporating any arguments in opposition to Respondent's motion. (Doc. 14.) Over 30 days have passed, and Petitioner has not filed responded.

According to 28 U.S.C. § 636 (b)(1)(C), the Court conducted a *de novo* review of the case.

1 Having carefully reviewed the entire file, the Court concludes the Findings and  
2 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 3 1. The Findings and Recommendations issued on June 8, 2023 (Doc. 12), are adopted  
4 in full.
- 5 2. Respondent's motion to dismiss (Doc. 7), is granted.
- 6 3. Petitioner's Informative Motion (Doc. 13) is terminated.
- 7 4. The matter is transferred to the United States District Court for the Western  
8 District of Tennessee.

9  
10 IT IS SO ORDERED.

11 Dated: **August 9, 2023**

  
UNITED STATES DISTRICT JUDGE